

Article 6: Refrigeration Code

Division 4: Miscellaneous Fees

Fees Relating to Park and Recreational Facilities

*(“Miscellaneous Fees, Fees Relating to Park and Recreational Facilities”
added 9–3–1975 by O–11672 N.S.)*

§96.0401 Statement of Policy

The Council hereby finds that in order to furnish adequate park and recreational facilities needed to serve development resulting from building construction within the City, it is necessary for the City to exercise the powers it has by virtue of being a home rule city and establish a procedure for the collection of fees incident to the issuance of building permits for the purpose of financing these facilities. It is the intent of this Article that the cost of the acquisition and improvement of park and recreational facilities required to serve new or replacement development be borne by the owners of such development.

(“Statement of Policy” added 9–3–1975 by O–11672 N.S. formerly Sec. 99.0101.)

§96.0402 Application

The provisions of this Division shall apply to all building permits issued which create dwelling units for human habitation or add to the number of such units in any structure. The provisions of this Division shall not apply to a building permit issued for the purpose of reconstructing, repairing or replacing a building which has been or is hereafter damaged or destroyed by fire, explosion, act of God, or act of the public enemy, provided the number of dwelling units on the lot or parcel is not increased by the reconstruction, repair or replacement to a number that exceeds the number of dwelling units that legally existed on the lot or parcel prior to the event that damaged or destroyed the building. The provisions of this paragraph shall apply to park fees which are required to be paid by this Division or any other section of this Code.

Fees prescribed herein are in addition to those required by Section 91.0107, Section 102.0805 and other sections of this Code.

(Amended 1–8–1996 by O–18245 N.S.)

§96.0403 Payment of Fees

Prior to the issuance of any building permit, the Building Official shall assure that fees are paid to the City for park and recreational facilities in accordance with the following schedule:

1. Construction of new single-family dwelling units, \$100.00 per including modular housing and mobile homes dwelling unit
2. Construction of new multi-family dwelling units, \$ 75.00 per dwelling unit

Fees collected shall be refunded to the individual making payment in event the building permit expires, within the meaning of Section 302(d) of the California Building Code. Requests for a refund of fees shall be in writing and shall set forth in full the facts showing that such permit has expired.

(Amended 7-19-1999 by O-18656 N.S.)

§96.0404 Use of Fees Collected

Fees collected pursuant to the provisions of this Article, together with any earned interest thereon, shall be deposited in a special fund with a separate revenue and expense account established for park and recreational purposes. Expenditures from said fund shall be made only for park and recreational facilities within areas from which they were collected. Expenditures may be for: (1) the City purchase of land and the construction of facilities, (2) the purchase of already constructed facilities from public agencies or private parties, (3) the rehabilitation of existing park or recreational facilities only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park or (4) to reimburse those who may have donated land and constructed improvements to the extent of the value of such land and improvements in excess of their proportionate responsibility.

(Amended 5-16-1988 by O-17093 N.S.)

§96.0405 Adoption of Park and Recreational Building Permit Fee Utilization Areas Map

The City Council does hereby adopt a map entitled "Park and Recreational Building Permit Fee Utilization Areas," showing the areas within which building permit fees collected shall be allocated. This map will be superimposed on the existing Park Service Districts Map and shall be presented to the City Council annually for review and possible modification along with the Park Service Districts review.

("Adoption of Park and Recreational Building Permit Fee Utilization Areas Map" added 9-3-1975 by O-11672 N.S. formerly Sec. 99.0105.)

§96.0406 Severability

If any section, sentence, clause or phrase of this Article or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of this Article or the application of such provisions to other persons or circumstances

shall not be affected thereby.

(“Severability” added 9-3-1975 by O-11672 N.S. formerly Sec. 99.0106.)

